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REMARKS

Claims 11-15, 18-37, and 49-56 remain pending herein. Claims 1, 4-6, 10, 38, and 43-45, and 48 are hereby canceled without prejudice or waiver of the right to pursue the subject matter of said claims in this or another application. Claims 11-15, 18, 22-34, 36-37, and 49-55 have been amended. New claim 56 has been added. All other claims remain the same. Reconsideration of the claims as pending is respectfully requested.

Applicants acknowledge with appreciation Examiner's indication of the allowability of claims 49, 51 and 52. Applicants also acknowledge the courtesies extended by Examiner to the undersigned during the telephone interview of September 13, 2004.

Prior to addressing the merits of the Office Action, Applicants note that Examiner previously pointed to claims 40 and 49 as being enabled by the specification (page 5, last para. of the Office Action). Accordingly, Applicants do not understand how Examiner has now recanted that indication. There is no explanation of record for the change. Applicants respectfully request an explanation for this change.

Claim 11 is amended herein by changing its dependency to claim 49 and adding additional dosage forms disclosed in the specification (page 5, lines 20-27).

Claims 12, 22-24, 26-28, 30-34, and 36-37 are amended herein by changing their dependency to claim 49 and replacing the phrase "the muscle relaxant" with "pridinol".

Claims 13, 25 are amended herein by changing their dependency to claim 49 and replacing the term "subject" with "mammal".

Claim 14 is amended herein by changing its dependency to claim 49; replacing the phrase "the muscle relaxant" with "pridinol"; and replacing the term "subject" with "mammal".

Claims 15, 18, 29 are amended herein by changing their dependency to claim 49.

Claims 49-52 are amended herein by replacing the term "composition" with "dosage form".

Claim 53 is amended herein by replacing the term "composition" with "dosage form", replacing the term "subject" with "mammal", and replacing the phrase "at least one of the COX-II inhibitor and pridinol" with "the COX-II inhibitor, pridinol, or both".

Claims 54 is amended herein by replacing the term "composition" with "dosage form" and replacing the phrase "at least one of the COX-II inhibitor and pridinol" with "the COX-II inhibitor, pridinol, or both"

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Claim 55 is amended herein by changing its dependency to claim 49 and replacing the term "the muscle relaxant" with "pridinol".

New claim 56 includes the subject matter removed by amendment from claim 12.

Applicants respectfully submit that no new matter has been added by way of these amendments as they are fully supported by the specification as filed.

Claims 1, 4-6, 10-15, 18-38, 43-45 48, and 55 stand rejected under 35 U.S.C. §112, 1st para. for scope of enablement. Insofar as it may apply to the present claims, this rejection is traversed.

Claims 1, 4-6, 10, 38, 43-45, and 48 have been canceled. The dependency of claims 11-15, 18, 22-37 and 55 has been changed so that the claims now depend directly or indirectly from allowable claim 49.

Accordingly, applicants submit that the rejection of claims 1, 4-6, 10-15, 18-38, 43-45 48, and 55 under 35 U.S.C. §112, 1st para. has been overcome and request that it be withdrawn.

Claims 6, 33, 50, and 53-54 stand rejected under 35 U.S.C. §112, 2nd para. for being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Insofar as it may apply to the present claims, this rejection is traversed.

Applicants note that Examiner has not indicated the indefiniteness upon which claim 33 has been rejected. Accordingly, Applicants assume that its inclusion in this rejection is merely an oversight.

Claim 6 has been canceled.

Claim 50 is rejected because of the recitation of "an acidifying agent, adsorbent, alkalizing agent, antioxidant, buffering agent, ... solvent, oil, soap, detergent". Applicants note that the claims are read in view of the specification. There is no requirement in the law to define every single term in a claim. Unless otherwise noted by an applicant, a term of art found in a claim assumes the definition used by artisans in the field. The terms note by Examiner that are used in the claims are well known in the chemical and pharmaceutical sciences. Moreover, the specification as filed (pages 23-29) provides a definition and examples of each of those terms. And, the definitions of the terms in the claim are not contrary to their ordinary meanings. (MPEP 706.03(d)) It is inconceivable to Applicants how Examiner, who is a seasoned scientist, does not know the definition of the terms. Applicants further note that there are literally hundreds if not

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thousands of patents that include similar terms in the claims, and many of those patents do not even include a definition of the terms in the specification, as does the instant application.

Claim 53 is rejected because of use of the term "subject". Examiner indicates that a subject might be understood to be "a single cell, any biological system, an animal, or a human or any non-biological system." Applicants submit that the term "subject", as used in the pharmaceutical sciences, is understood to be a living organism, such as an animal or human, to which drugs are typically administered in order to provide a desired therapeutic effect. The instant application is clearly drawn to a pharmaceutical composition/dosage and a method of use thereof in the treatment of disorders in order to provide a therapeutic effect. In this context, it is inconceivable to Applicants how the term "subject" can be equated with a "single cell" or a "non-biological system". Nonetheless, Applicants have changed the term "subject" to "mammal", which term is used in the specification (page 4, lines 14-22) in reference to subjects (patients) that were administered the pharmaceutical composition of the invention. Claims 13, 14 and 25 were also amended in this regard.

Claims 53-54 are rejected because of recitation of the phrase "at least one of the COX-II inhibitor". Applicants note that Examiner has taken the phrase out of context. The full phrase reads "at least one of the COX-II inhibitor and pridinol". The phrase is grammatically correct as written and is understood to mean: the COX-II inhibitor, pridinol, or both. The COX-II inhibitor is still present as a single species. Per the telephone interview, Applicants have amended this phrase to "the COX-II inhibitor, pridinol, or both".

Accordingly, Applicants submit that the rejection of claims 6, 33, 50 and 53-54 under 35 U.S.C. §112, 2nd para. has been overcome and request that it be withdrawn.

Claims 1, 4-6, 10-15, 18-38 43-45, 48 and 55 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Gans et al. or Futaki et al. in view of Okada et al. (US 5,476,663). Insofar as it may apply to the present claims, this rejection is respectfully traversed.

Claims 1, 4-6, 10, 38, 43-45, and 48 have been canceled. The dependency of claims 11-15, 18, 22-37 and 55 has been changed so that the claims now depend directly or indirectly from allowed claim 49.

Accordingly, applicants submit that the rejection of claims 1, 4-6, 10-15, 18-38, 43-45 48, and 55 under 35 U.S.C. §103(a) has been overcome and request that it be withdrawn.

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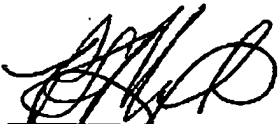
Entry of the amendments indicated herein and in the "Amendments to the Claims" into the record is requested.

In view of all the foregoing, Applicants respectfully submit that the pending claims are patentable over the art of record and in form for allowance. An early notice of allowance thereof is requested.

Respectfully submitted,

Date: _____

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